



Marian House

Women moving from dependence to independence

February 12, 2025

Senate Judicial Proceedings Committee

TESTIMONY IN OPPOSITION

*SB 604 Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death
(Victoria, Scottie, Ashleigh, and Yader's Law)*

Marian House is a nonprofit transitional-housing and recovery program that has been helping women move from dependence to independence for over 40 years in Baltimore City. We serve many members of our community affected by substance use disorder (SUD), providing them and their children quality long-term housing while they recover and reclaim their independence.

Marian House strongly opposes SB 604 Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria, Scottie, Ashleigh, and Yader's Law). This bill would create a new enhanced penalty of up to 20 years in prison for those found liable for a fatal overdose. The approach of using longer prison sentences to address problems related to drug use has been tried before and has failed. We urge the General Assembly to instead focus on proven solutions that prevent overdoses such as evidence-based treatment and education.

The overdose epidemic has been a tragedy that has claimed the lives of thousands of Marylanders. The General Assembly should prioritize preventing overdoses and ending this crisis. Unfortunately, SB 604 is counterproductive despite being well-intended. Laws like SB604, often called drug-induced homicide (DIH) laws, attempt to prevent overdoses by imposing harsh penalties as a deterrent. SB 604 proposes up to 20 additional years for those liable for distributing heroin or fentanyl that results in a fatal overdose. Distributing fentanyl already carries a penalty of up to 30 years in prison. The threat of 50 years in prison will be no more effective as a deterrent than 30 years. While the deterrent effect of SB 604 will be negligible, it will increase mass incarceration and state prison costs.

DIH laws like SB 604 also have unintended consequences. Such prosecutions will discourage people who use drugs from reporting potentially reversible overdoses due to fear of harsh criminal penalties. SB 604 includes some protection for those reporting overdoses, but they do not apply to all scenarios. If SB 604 passes, it is likely that some individuals who report overdoses will be prosecuted under DIH laws. This would discourage countless others from reporting overdoses, potentially increasing fatalities rather than reducing them.

Marian house works closely with Baltimore community members impacted by SUD, "loving them until they can love themselves". Beyond increasing mortality rates from overdoses, this bill would have direct negative consequences for many members of our community. Further criminalization and longer prison sentences will not help those struggling with addiction heal or make meaningful contributions to the community, and will make it more difficult to connect people in need with quality treatment.

The General Assembly should focus on investments in prevention and treatment rather than imposing harsher penalties. **Marian House urges the Senate Judicial Proceedings Committee to oppose SB 604.**

Commented [TC1]: Lower case substance use disorder

Commented [TC2]: Change giving them to providing them

Commented [TC3]: Remove comma

Commented [TC4]: Change this to the approach

Commented [TC5]: Add "s" to overdose

Commented [TC6]: Remove cost and add claimed

Commented [TC7]: Make overdose plural with an s

Commented [TC8]: Remove bringing an end, and rewrite ending this crisis.

Commented [TC9]: Added a space after SB for consistency

Commented [TC10]: Remove seek and add attempt, overdoses

Commented [TC11]: Remove using and add imposing

Commented [TC12]: Remove of and add as

Commented [TC13]: Changed impact to increase

Commented [TC14]: Remove for and add due to

Commented [TC15]: Added a comma after overdoses

Commented [TC16]: Protection instead of protections

Commented [TC17]: Add individual who report overdoses will be prosecuted under DIH laws.

Commented [TC18]: Remove suffering and add impacted.

Commented [TC19]: Remove new and add imposing harsher penalties.

Commented [TC20]: Affected by